

UNITED STATES OF AMERICA,

v.

KIMBERLIE L. FLEMINGS,

Defendant.

THIS MATTER is before the Court on Defendant’s “Motion for Brady and Other Material and Incorporated Memorandum of Law,” Doc. 44, “Motion to Preserve All Rough Notes Taken by Government Agents,” Doc. 45 and “Motion for Specific Discovery,” Doc. 49 as well as the “Government’s Consolidated Opposition to Defendant’s Pretrial Motions,” Doc. 47, and “Government’s Response to Defendant’s Motion for Specific Discovery,” Doc. 53.

Having fully considered the arguments, the record, and the applicable authority, the Court finds that Defendant's Motions should be **DENIED**.

The Government credibly represents that it intends to comply with all discovery obligations including the Supreme Court mandates in Brady and Giglio, this District's Standard Criminal Discovery Order, and the Government's expanded file discovery policy.

Based upon the foregoing, the Court finds that the Government is in compliance with its obligations under Brady. Consequently, Defendant’s “Motion for Brady and Other Material and Incorporated Memorandum of Law,” Doc. 44, is **DENIED**.

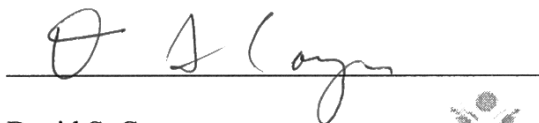
Defendant's Motion to require the Government to preserve all rough notes is contrary to Fourth Circuit precedent and this District's Standard Criminal Discovery Order. Defendant argues that "such writings may contain valuable information which would be useful to Defendant at trial." Doc. 47 at 3. However, the Standard Criminal Discovery Order provides that "the government need not preserve the rough interview notes of a government agent once the notes have been incorporated in a formal report." Order at ¶11 citing United States v. Hinton, 719 F.2d 711 (4th Cir. 1983) (recognizing that the Government is not required to disclose rough interview notes that later become part of a final report). Based upon the foregoing, Defendant's "Motion to Preserve All Rough Notes Taken by Government Agents," Doc. 45, is **DENIED**.

Defendant's "Motion for Specific Discovery," Doc. 49, requests that the Government provide specific discovery related to an automobile loan with Digital Federal Credit Union in June 2016. The Government credibly represents that it has provided Defendant with all information in its possession related to this loan application as required by the Standard Criminal Discovery Order. Consequently, Defendant's "Motion for Specific Discovery," Doc. 49, is **DENIED**.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel, and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: October 11, 2018

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

